

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 22954 of 2006

Dated: 01-12-2006

Between:

Ms. K.Swathi Bindu

..... PETITIONER

AND

Union of India, rep., by its secretary,
New Delhi and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 22954 of 2006

ORDER:

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The petitioner-minor, represented by her father, seeks a declaration that the action of the second respondent in not considering her request for correction of her date of birth on the passport bearing No.A6136422 is arbitrary and illegal.

It is stated that the petitioner was issued passport bearing No. A6136422 in the year 1998 in which, the petitioner's date of birth was wrongly mentioned as 12-07-1989 instead of 12-07-1990. Having realized the mistake crept in the passport, the petitioner made an application on 30-08-2006 together with the required fee of Rs. 1,000/- requesting the second respondent to correct the entry in the passport with regard to her date of birth. Along with the said application, the petitioner has also produced the date of birth certificate issued by the Municipal Corporation of Hyderabad as well as the SSC certificate and other relevant documents in which her date of birth has been shown as 12-07-1990. Having received the same, the second respondent issued a notice dated 10-10-2006 calling upon the petitioner to explain as to why action should not be taken for suppressing the material information. The petitioner submitted her explanation *inter alia* stating that it was only an inadvertent mistake. However, the second respondent has not passed any final order nor corrected the entry in the passport with regard to correct date of birth of the petitioner. Hence, this writ petition.

Despite service of notice, the second respondent did not choose

to appear and no counter affidavit has been filed opposing the relief sought.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

- (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
- (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** ^[1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** ^[2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of with a direction to the second respondent to consider the application of the petitioner dated 30-08-2006 as well as the explanation submitted by her on 02-11-2006 and pass appropriate orders in accordance with law in the light of the circular dated 18-04-2001 as expeditiously as possible

preferably within a period of two weeks from the date of receipt of a copy of this order. No costs.

G. ROHINI, J

Dated: 01-12-2006

Note: Issue C.C. in three days.

B/o

KLP

[\[1\]](#) 2003(3) ALD 625;

[\[2\]](#) 2004(6) ALD 360.